

REMARKS

The Office Action mailed on July 14, 2006 is acknowledged. Applicant requests examination of the above-mentioned application in view of the following remarks.

I. Status of Claims

By this Amendment, claims have been amended and cancelled without prejudice or disclaimer. Claims 30-73, 84-88 and 90 have been withdrawn by the Examiner under a Restriction Requirement. Applicants respectfully are maintaining method claims 30-31, 33-57 and 60-65 for the purpose of rejoinder upon allowance of the non-restricted claims. New claims 91-93 have also been added depending, respectively, from independent claims 1, 31 and 74. The new claims are intended to make clear that the independent claims include apparatuses and methods that, in addition to operating in a "continuous non-batch mode," also have batch mode operation. Reconsideration is respectfully requested in view of the above amendments and the following remarks.

II. Rejections

A. Rejection under 35 U.S.C. § 101

Claim 89 has been rejected under 35 U.S.C. 101 as being a claimed invention directed to non-statutory subject matter. Claim 89 has been cancelled.

B. Rejection under 35 U.S.C. § 112

Claims 1-29, 75-83, and 89 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

Claim 1: Applicants have obviated the Examiner's rejection by making a broadening amendment to replace the recitation "the enzyme" with "said at least one enzyme" as suggested by the Examiner.

Claim 12: Claim 12 has been cancelled.

Claims 17 and 79: Applicants respectfully submit that the recitation of a "thread having a sheet located at its periphery" is not indefinite. See, for example, Example 1 of the specification, lines 15-19. Claim 79 has been cancelled.

Claim 19: Applicants have obviated the Examiner's rejection by making a broadening amendment to recite both forward and reverse directions as suggested by the Examiner.

The remaining rejected claims have been cancelled.

C. Prior Art Rejections

Rejection under 35 U.S.C. § 102

Claims 1-7, 11, 12, 14, 21, 22, 25, 74, and 89 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,212,889 (Fuentevilla).

Rejection under 35 U.S.C. § 103

Claims 8, 18, 19, 23, 24, and 26-29 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Fuentevilla.

Claims 13, 15, 75, 76, 77, 80, and 81 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Fuentevilla taken together with DE 2526879.

Claims 9, 10, 82, and 83 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Fuentevilla taken together with FR 2352498 or Fuentevilla taken together with DE 2526879 and FR 2352498.

Claims 16, 19, and 7 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Fuentevilla taken together with DE2526879 and either one of MacKenzie or Eweson.

Claims 17 and 79 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Fuentevilla taken together with DE2526879 and Krofta.

Applicants respectfully traverse the above prior art rejections. Applicants have amended independent claims 1, 31 and 74 by incorporating into the independent claims the recitations of now cancelled claims 2-3, 25, 32-33, and 58-59. Applicants have also added the recitation "separately located from inactivation area" which finds support, for example on page 21 of the specification, line 16 and line 21.

The US 4,212,889 reference ("Fuentevilla" or "the '889 reference") describes a purportedly "continuous" process. However, what is described is a continuous "batch" process. That is, the hydrolysis reaction takes place in a batch tank and therefore has all the disadvantages of batch processing, e.g., inconsistent residence times (that is, the material is not moved continuously through the hydrolysis area and the first material "in" is not the first material "out") and lack of consistent process conditions, because of the time it takes to fill, heat, and empty a batch tank. As seen in Figure 1, the '889 reference does not describe material moving continuously through the hydrolysis area. Moreover, as stated in column 6, lines 56-57 of the reference, the document is clearly referring to a "batch"

process. Thus, the reference does not describe or suggest an apparatus or process that operates in a "continuous non-batch mode." Furthermore, the reference does not disclose or suggest the recitation that "any emulsion present in said liquid component is present in an amount at or below predetermined level."

The DE 25 26 879 reference ("the '879 reference") describes a purportedly continuous hydrolysis process. However, the reference fails to disclose or suggest "a separation area separately located from the inactivation area that receives at least a portion of the reaction mixture from the inactivation area and is capable of separating it into two or more components, including at least one substantially liquid component which comprises water-soluble protein and including at least one substantially solid containing component." In contrast, the reference describes a separation screen that is attached to the end zone of the reaction vessel (see page 5 of the reference). Although this would seem to be the easiest and most direct way to separate liquid from solid, Applicants, when attempting to use this separation technique, found that the screen quickly became clogged and caked with solid material requiring shut down of the entire continuous line. This lead to the Applicants' innovation of removing the solid and liquid from the inactivation area and then separating the solid from the liquid material. This allows for the solid and liquid material to be held in suspension and to be passed through the separation area in a controlled fashion that does not interfere with the passage of the material through the inactivation area.

Furthermore, the '879 reference does not disclose or suggest the recitation that "any emulsion present in said liquid component is present in an amount at or below a predetermined level." The reference does not disclose or suggest that one of skill in the art

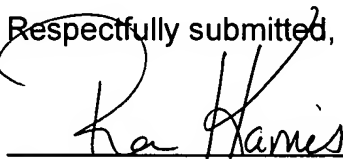
should limit the amount of emulsions in the liquid component. In contrast, the reference states on page 5 (as translated from German) that the material is "usually comminuted first so that it assumes a pasty nature." A liquid material containing fat that assumes a pasty nature clearly implies an emulsion. Thus, the reference directs the artisan away from the above claim recitation.

Accordingly, applicants submit that the claims are not anticipated or rendered obvious by the primary Fuentevilla reference or the secondary '879 reference either alone or in combination, nor by the remaining cited references either alone or in combination. Accordingly, reconsideration and withdrawal of the prior art rejections is respectfully requested.

Conclusion

In view of the above amendments and remarks, early notification of a favorable consideration is respectfully requested. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below to expedite prosecution. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-3380.

Respectfully submitted,



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